HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.25755 of 2006

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Dated:13.12.2006

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Between:

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K. V. Ramana.

…Petitioner

and

The Sub-Registrar and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.25755 of 2006

ORDER:

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This Writ Petition is filed seeking a writ of mandamus directing the first respondent to cancel the registration made in favour of the third respondent in respect of the property in Plot No.56 admeasuring 200 square yards comprised in Survey No.174 and 178 situated at Kundan Palli Village, Godumagunta Grama Panchayat, Keesara Mandal in Ranga Reddy District.

The petitioner purchased land admeasuring 200 square yards in Survey Nos.174 and 178 situated at Kundan Palli Village from N.Kumar under a sale deed, which was registered as Document No.15892/06.

It is the case of the petitioner that his vendor purchased the property under registered sale deed bearing Document No.8670/89 from M.K.Gandaiah and others. The petitioner now alleges that the second respondent

sold the land to the third respondent under a registered sale deed in 1995 in collusion with the first respondent. Therefore, he filed the present Writ Petition seeking a writ of mandamus directing the first respondent to cancel the registration made by the second respondent in favour of the third respondent.

After hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-T), this Court is of considered opinion that a Writ Petition is not maintainable. A direction to the registering authority to cancel a registered document registered earlier cannot be granted. I n **Property Association of Baptist Churches v. Sub Registrar, Jangoan**, this Court considered this question. After referring to the provisions of Part-XI of the Registration Act, 1908, as well as Rule 58 of the Andhra Pradesh Rules under the Registration Act, 1908, this Court observed as under.

> A reading of the above provisions would show that the power of the registering officer is limited to enquire into the validity of the document brought to him for registration or to enquiry into any written or verbal protest against the registration of a document based on the ground that the executing party has no right to execute the document. The limited power of the registering officer to enquire into objections that the executing party had no right to execute document get extinguished the moment the document is registered. No such power inheres in the registering officer or the District Registrar to cancel the sale deed, unless another document for cancellation is presented with proper stamp duty and registration charges. A party aggrieved by a registered document on conveyance has to file civil suit seeking appropriate declaration under Section 34 of the Specific Relief Act, read with Article 59 of the Schedule under the Limitation Act 1963 (Act 36 of 1963). The Writ Petition is not a proper remedy.

The judgment in **Property Association of Baptist Churches v. Sub Registrar, Jangoan** (supra), was approved by the Division Bench in W.A.No.1486 of 2004 dated 11.10.2004, which was noticed by a Full Bench of this Court in **Yanala Malleshwari v. Ananthula Sayamma**. Therefore, this Writ Petition is misconceived. If so advised, the petitioner may file appropriate suit seeking declaration under Section 34 of the Specific Relief Act, 1963. In this Writ Petition no relief can be granted.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S RAO, J)

13.12.2006

vs